



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

July 25, 2017

Megan Garner
Anson County Manager
101 South Greene Street, Suite 205
Wadesboro, North Carolina 28170

Notice of Warning

Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Sections .0101(1) and (4)

AWS-WL-2017-12

Animal Shelter: Anson County Animal Shelter
Registration No. 43

Dear County Manager Garner:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received complaints concerning the Anson County Animal Shelter ("the shelter") and the euthanasia of a puppy prior to the end of the 10-day rabies observation quarantine. Based on the information within these complaints, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") as these statutes and associated regulations are the extent of the jurisdiction of AWS.

The investigation included review of information provided to AWS by the complainants, a site visit by AWS Animal Health Technician Jay Blatche ("Inspector Blatche"), interviews with shelter staff and management, an interview with an Anson County Animal Control officer, an interview with county management, an interview of the operator of the animal rescue, an interview of the citizen who surrendered the puppy, an interview with the shelter's program veterinarian, interviews with the State Public Health Veterinarian for N.C., review of relevant shelter records, and a review of written statements provided to Inspector Blatche.

The investigation revealed that:

- a) The puppy, later named Shayla, was owner surrendered on June 29, 2017 along with 3 other puppies and the dam.
- b) The puppies had to be trapped on the owner's property because they were not socialized enough to approach the owner.
- c) On July 5, 2017, the shelter transferred ownership of the animals to a rescue and the animals were picked up at the shelter by Ms. McCollum.
- d) According the statement by a shelter employee, the shelter did not complete the disposition paperwork at the time of the transfer because the shelter employee working at that time did not know how to fill out the paperwork for the transfer.
- e) According to the shelter employee, the employee and rescue worker agreed to fill out the paperwork later for the transfer of the dogs to the rescue that occurred on July 5, 2017.
- f) On July 5, 2017, while being handled, one of the puppies bit the shelter worker. The shelter worker, after the bite, transferred the puppy to the rescue along with the other puppies and mother dog.
- g) Later the same day, Anson County Animal Control went to the premises of the rescue to take the puppy to the shelter for the 10-day rabies observation confinement. The confinement is required by N.C. General Statute § 130A-196(b).
- h) There is no shelter paperwork noting the intake of Shayla into the shelter on July 5, 2017 from the rescue.
- i) On July 10, 2017, the paperwork for the transfer to the rescue, which occurred on July 5, 2017, was completed for 3 of the 4 puppies and the dam. No reason was provided as to why paperwork was not completed for the fourth puppy.
- j) The statement from the operator of the rescue states that she observed the shelter worker mishandling the puppy at the time of the bite. She states that she was not in the shelter at the time but was observing the handling from outside where the door was left cracked open. The AWS Inspector noted that, at the time of the site visit, this door closes automatically and does not stay cracked open. The investigation could not substantiate the allegation of mishandling of the puppy at the time of the bite.

Based on the results of this investigation, the shelter appears to have violated Title 02 NCAC Chapter 52J, Sections .0101(1) and (4) in the preparation of the proper intake and disposition documentation of these dogs.

This Warning Letter serves as written notice indicating in which respects the shelter has violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in disciplinary action against your facility's license pursuant to NC General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NC General Statute §19A-40.

Your immediate response to this matter is noted and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal line extending to the right.

Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and

*History Note: Authority G.S. 19A-24;
 Eff. April 1, 1984;
 Amended Eff. January 1, 2005; April 1, 1985.*